

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

MOLLIE JANICE MAINHARDT
16475 Ferris Avenue
Los Gatos, CA 95032

Registered Nurse License No. 302551

Respondent

Case No. L2006080709

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 26, 2009.

IT IS SO ORDERED October 27, 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **MOLLIE JANICE MAINHARDT**
14 **16475 Ferris Avenue**
Los Gatos, California 95032
Registered Nurse License No. 302551

15 Respondent.

Case No. L2006080709

OAH No. 2009040148

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Carol
23 Romeo, Deputy Attorney General.

24 2. Mollie Janice Mainhardt (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 31, 1979, the Board of Registered Nursing issued Registered
27 Nurse License No. 302551 to Mollie Janice Mainhardt (Respondent). The Registered Nurse
28 License expired on November 30, 2008, and has not been renewed.

1 4. In a disciplinary action entitled, "In the Matter of the Petition for Reinstatement
2 Against Mollie Mainhardt, OAH Case No. L2006080709," the Board of Registered Nursing
3 issued a decision, effective December 7, 2006, in which Respondent's Registered Nurse License
4 was revoked. However, the revocation was stayed and Respondent was placed on probation for a
5 period of five (5) years with certain terms and conditions.

6 JURISDICTION

7 5. Petition to Revoke Probation No. L2006080709 was filed before the Board of
8 Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against
9 Respondent. The Petition to Revoke Probation and all other statutorily required documents were
10 properly served on Respondent on January 7, 2009. Respondent timely filed her Notice of
11 Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No.
12 L2006080709 is attached as Exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, and understands the charges and allegations in Petition
15 to Revoke Probation No. L2006080709. Respondent also has carefully read, and understands the
16 effects of this Stipulated Surrender of License and Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be
19 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses
20 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
21 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
22 reconsideration and court review of an adverse decision; and all other rights accorded by the
23 California Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. L2006080709, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 302551 for the Board's formal acceptance.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that the surrender of Registered Nurse License No. 302551, issued to Mollie Janice Mainhardt, is accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her wall license certificate and, if one was issued, her pocket license on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. L2006080709 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. L2006080709 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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Exhibit A

Petition to Revoke Probation No. L2006080709

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1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 CAROL S. ROMEO, State Bar No. 124910
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Telephone: (510) 622-2141
6 Facsimile: (510) 622-2270

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against:

12 MOLLIE JANICE MAINHARDT
13 A.K.A. MOLLIE J. MAINHARDT
16475 Ferris Avenue
14 Los Gatos, California 95032
Registered Nurse License No. 302551

15 Respondent.

Case No. **L2006080709**

**PETITION TO REVOKE
PROBATION**

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
20 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
21 Registered Nursing, Department of Consumer Affairs.

22 2. On or about March 31, 1979, the Board of Registered Nursing issued
23 Registered Nurse License Number 302551 to Mollie Janice Mainhardt, also known as Mollie J.
24 Mainhardt (Respondent). The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on November 30, 2008, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of the Petition for
27 Reinstatement Against Mollie Mainhardt, OAH No. L2006080709," the Board of Registered
28 Nursing issued a decision, effective December 7, 2006, in which Respondent's Registered Nurse

1 License was revoked. However, the revocation was stayed and Respondent was placed on
2 probation for a period of five years with certain terms and conditions. A copy of that decision is
3 attached as Exhibit A and is incorporated by reference.

4 FIRST CAUSE TO REVOKE PROBATION

5 (Comply with the Board's Probation Program)

6 4. At all times after the effective date of Respondent's probation, Condition 2
7 stated:

8 **Comply with the Board's Probation Program.** Respondent shall fully
9 comply with the conditions of the Probation Program established by the
10 Board and cooperate with representatives of the Board in its monitoring
11 and investigation of the Respondent's compliance with the Board's
12 Probation Program. Respondent shall inform the Board in writing within
no more than 15 days of any address change and shall at all times maintain
an active, current license status with the Board, including during any
period of suspension or tolling of probation pursuant to paragraphs 4 and 5
below.

13 Upon successful completion of probation, Respondent's license shall be
14 fully restored.

15 5. Respondent's probation is subject to revocation because she failed to
16 comply with Probation Condition 2, referenced above, by not complying with the terms and
17 conditions of her probation as stated therein.

18 SECOND CAUSE TO REVOKE PROBATION

19 (Obey all Laws)

20 6. At all times after the effective date of Respondent's probation, Condition 1
21 stated:

22 **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full
23 and detailed account of any and all violations of law shall be reported by
Respondent to the Board in writing within seventy-two (72) hours of occurrence.
24 To permit monitoring of compliance with this condition, Respondent shall submit
completed fingerprint forms and fingerprint fees within 45 days of the effective
25 date of the decision, unless previously submitted as part of the licensure
application process.

26 **Criminal Court Orders:** If Respondent is under criminal court orders, including
27 probation or parole, and the order is violated, this shall be deemed a violation of
these probation conditions, and may result in the filing of an accusation and/or
28 petition to revoke probation.

1 7. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 1, referenced above, by failing to notify the Board in writing
3 within seventy-two (72) hours of her arrest on August 5, 2008 in San Francisco, California for
4 driving under the influence of alcohol.

5 THIRD CAUSE TO REVOKE PROBATION

6 (Abstain from Use of Psychotropic (Mood-Altering) Drugs)

7 8. At all times after the effective date of Respondent's probation, Condition
8 15 stated, in pertinent part:

9 **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
10 completely abstain from the possession, injection or consumption by any route of
11 all controlled substances and all psychotropic (mood altering) drugs, including
12 alcohol, except when the same are ordered by a health care professional legally
13 authorized to do so as part of documented medical treatment. Respondent shall
14 have sent to the Board, in writing and within fourteen (14) days, by the
15 prescribing health professional, a report identifying the medication, dosage, the
16 date the medication was prescribed, the Respondent's prognosis, the date the
17 medication will no longer be required, and the effect on the recovery plan, if
18 appropriate.

19 9. Respondent's probation is subject to revocation because she failed to
20 comply with Probation Condition 15, referenced above, by failing to abstain from the use of
21 alcohol in that she tested positive for alcohol on the following dates: March 10, 2008, January 2,
22 2008, and August 31, 2007.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking the probation that was granted by the Board of Registered
27 Nursing in OAH No. L2006080709 and imposing the disciplinary order that was stayed, thereby
28 revoking Registered Nurse License No. 302551 issued to Mollie Janice Mainhardt, also known as
Mollie J. Mainhardt (Respondent); and

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2. Taking such other and further action as deemed necessary and proper.

DATED: 12/19/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Board of Registered Nursing OAH No. L2006080709

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

MOLLIE MAINHARDT

Registered Nurse License No. 302551

Petitioner.

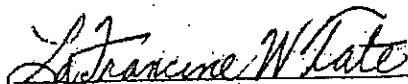
OAH No. L2006080709

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on December 7, 2006.

IT IS SO ORDERED this 7th day of November 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Reinstatement of:

MOLLIE MAINHARDT,
Registered Nursing License No. 302551

Petitioner.

OAH No. L2006080709

**DECISION GRANTING THE
PETITION**

This matter was heard by a quorum of the Board of Registered Nursing (Board) on September 14, 2006, in Ontario, California. The Board members participating in the hearing and decision were LaFrancine Tate, Public Member, President; Grace Corse, RN, Vice-President; Carmen Morales-Board, MSN, RN, NP; Elizabeth O. Dietz, Ed.D., RN, CS-NP; Orlando H. Pile, M.D.; and Susanne Phillips, MSN, RN, APRN-BC, FNP. Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

Petitioner was present and represented herself.

Nancy A. Kaiser, Deputy Attorney General, represented the Office of the Attorney General, California Department of Justice.

The petition and other relevant documents were presented. Petitioner and the Deputy Attorney General made oral presentations to the Board. Petitioner responded to questions of Board members and the Deputy Attorney General. The record was closed, the Board met in executive session, and the matter was submitted on September 14, 2006.

FACTUAL FINDINGS

1. On March 31, 1979, the Board issued Registered Nursing License No. 302551 to Petitioner. On November 30, 1990, the license expired and was not thereafter renewed.

2A. The Board, by Default Decision and Order, effective November 28, 1993, in resolution of Board case number 93-231, revoked Petitioner's license.

2B. The Board's discipline was based on findings that Petitioner had, on several occasions in June through August of 1990, falsified entries on medical records at work regarding narcotics; been convicted of driving while under the influence in 1988; and been twice convicted of reckless driving in 1985.

REGISTERED NURSING BOARD

3. The petition, filed with the Board on July 20, 2006 (almost 13 years after revocation), states the request for reinstatement is made because Petitioner wants to get back into the nursing field in an administrative position. During the hearing, Petitioner also stated that she is interested in teaching in this field, and overall, wants to give her life direction by working in the nursing field again.

4. As a result of her substance addiction, Petitioner was convicted of other crimes subsequent to the revocation of her license. In 1991, she was convicted of driving while under the influence. In 2003, she was convicted of felony grand theft, and sentenced to serve 16 months in state prison (she served five months and was released early due to good behavior). In 2004, she was convicted of a crime not established, and placed on one year probation. By her account, Petitioner was also convicted in 1997 of a crime not established.

5. Petitioner was on parole from her felony grand theft conviction from June 2004 through July 2005. Her assigned parole agent states in a letter dated June 15, 2006, that she finished parole in the minimum time required due to her "excellent standing" Petitioner stated that all of her other convictions have been resolved, except for the 1997 conviction, of which she was addressing with that court the resolution of a recently discovered arrest warrant at the time of the hearing on her instant petition.

6. Petitioner satisfied the Board that she now has the ability to safely practice as a registered nurse relative to her addiction problem. For example, as part of her parole, Petitioner successfully completed a resident drug and alcohol treatment program, where she was given random drug tests and received weekly counseling. Petitioner has not failed a drug test since that program. She is faithful to a 12-step program and daily works the steps. She has a sponsor. She had an alcohol-related relapse in March of this year. As a result, she checked into a supportive living environment (SLE) better support. She also now spends more time relaxing and taking care of herself. Due to that relapse, she now regularly attends meetings and is more serious about communicating with her sponsor. Her sobriety date is March 30, 2006. She recently passed a drug test administered to her.

7. Petitioner has been employed in various jobs for most of the time while her license was revoked, including time spent from 1996 through 1999 working as a caregiver at an assisted-living facility and in a dental office. Her supervisor at an exclusive women's clothing store where she worked from 2003 through 2005 provided a favorable letter of recommendation for Petitioner. Petitioner states she is currently unemployed, because she is spending her time researching possible career opportunities in the medical field and taking care of her elderly father.

LEGAL CONCLUSIONS

1. Petitioner has the burden of establishing by clear and convincing evidence that she is entitled to the requested relief. (Bus. & Prof. Code, § 2760.1, subd. (b).)

2. Petitioner clearly and convincingly established that cause exists to reinstate her license, pursuant to Business and Professions Code section 2760.1, and California Code of Regulations, title 16, section 1445. Petitioner established sufficient rehabilitation from her convictions and demonstrated to the Board that she is in control of her substance addiction. Although there is evidence of misconduct subsequent to her revocation, in the form of addiction-related convictions, Petitioner established that those convictions have been resolved, and that she is now sober and has developed a better support-system for herself. Under these circumstances, the Board is satisfied that public protection will not be jeopardized by reinstating Petitioner's license. (Factual Findings 1-7.)

3. However, the public will be fully protected only if such reinstatement is on a probationary basis. Both Government Code section 11522, and Business and Professions Code section 2760.1, subdivision (e), provide the Board with the authority to reinstate a previously revoked license upon appropriate "terms and conditions." In this case, Petitioner's past misconduct was the result of a drug addiction, and she has only been sober for a short period after a recent relapse. Thus, a five-year probation is warranted, with terms and conditions including that she comply with the Board's addiction recovery program. In addition, Petitioner has been without her license for almost 13 years. Thus, Petitioner must take a nursing refresher course(s), and take and pass the nursing licensure examination. (Factual Findings 1-7.)

ORDER

The petition of MOLLIE MAINHARDT (hereinafter Respondent) for reinstatement of licensure is granted. Upon successful completion of the licensure examination, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of five years. Respondent shall enroll in and successfully complete a refresher course or an equivalent set of courses as approved by representatives of the Board. Respondent is suspended from practice until the required course work is successfully completed, but may use her license for the limited purpose of completing requirements of the required course work. The probation includes the following terms and conditions:

SEVERABILITY CLAUSE

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

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(1) OBEY ALL LAWS

Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

(3) REPORT IN PERSON

Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE

Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. The Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS

Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE

Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and the Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS

Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION

Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.
- (d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the Respondent with or without Respondent present.

(9) EMPLOYMENT LIMITATIONS

Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

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Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S)

Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

(11) COST RECOVERY

Respondent owes no costs to the Board costs associated with its investigation and enforcement of the prior case which resulted in the revocation of her license.

(12) VIOLATION OF PROBATION

If a Respondent violates the conditions of her probation, the Board after giving the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's license.

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If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER

During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

1. Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
2. One year for a license surrendered for a mental or physical illness.

(14) PHYSICAL EXAMINATION

Within 45 days of the effective date of this decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(15) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE

Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(16) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

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substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(17) SUBMIT TO TESTS AND SAMPLES

Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

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(18) MENTAL HEALTH EXAMINATION

The Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the Respondent.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

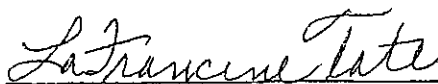
If the Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(19) THERAPY OR COUNSELING PROGRAM

Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

IT IS SO ORDERED. This Decision shall be effective December 7, 2006.

Dated: November 7, 2006



LaFrancine Tate, Public Member, President,

27684 For the Board of Registered Nursing
56101 Department of Consumer Affairs

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 CHRISTIANA TIEDEMANN,
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6000
San Francisco, CA 94102
4 Telephone (415) 703-2734

5 Attorneys for Complainant

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7
8 BEFORE THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation)
Against:)

No. 93-231

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MOLLIE JANICE MAINHARDT
25030 Loma Prieta Avenue
Los Gatos, CA 95030-9701
License No. 302551

DEFAULT DECISION

Respondent.

17 Service having been obtained on respondent in compliance
18 with sections 11505(a) and 11505(c) of the Government Code; and
19 respondent having failed to file a notice of defense within the
20 time allowed by Section 11506(a) of the Government Code, the
21 Board of Registered Nursing has determined that respondent has
22 waived her right to a hearing to contest the merits of the
23 accusation in accordance with sections 11506(b) and 11520 of the
24 Government Code. Accordingly, the aforementioned agency makes
25 the following findings of fact:

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FINDINGS OF FACT

1. Catherine M. Puri, R.N., Ph.D., was, at the time of filing the accusation, the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, State of California, and did make and file accusation No. 93-231 in her official capacity and not otherwise. (A copy of the accusation is attached hereto as Exhibit A.)

2. On March 31, 1979, the Board of Registered Nursing issued Registered Nurse License Number 302551 to Mollie Janice Mainhardt (hereinafter "respondent"). On November 30, 1990, the license expired and has not been renewed.

3. While on duty at Kaiser Permanente Medical Center Hospital, San Francisco, California, respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital and patient records pertaining to controlled substances in the following respects:

a. On June 15, 1990, at 8:30 a.m., respondent signed for 100 mg. of Meperidine on the hospital controlled drug record for patient Jean E. without a physician's order for the medication, and failed to chart administration of the substance on the patient's medication record or otherwise account for 100 mg. of Demerol.

b. On June 5, 1990, respondent signed for 100 mg. of Meperidine on the hospital controlled drug record for patient Jean E. without a physician's order for the medication and recorded the time as "late entry" and failed to chart administration of the substance on the patient's medication

EXHIBIT A
ENCLOSURE

1 record or otherwise account for 100 mg. of Demerol.

2 c. On June 29, 1990, at 10:00 a.m., respondent signed
3 for 75 mg. of Meperidine on the hospital controlled drug record
4 for patient Margaret H. without a physician's order for the
5 medication, and failed to chart administration of the substance
6 on the patient's medication record or otherwise account for 75
7 mg. of Demerol.

8 d. On June 10, 1990, at 7:00 a.m., respondent signed
9 for 50 mg. of meperidine on the hospital controlled drug record
10 for patient Rudy T., and failed to chart administration of the
11 substance on the patient's medication record or otherwise account
12 for 50 mg. of Demerol.

13 e. On June 10, 1990, at 1:00 p.m. respondent signed
14 for 50 mg. of Meperidine on the hospital controlled drug record
15 for patient Rudy T., and failed to chart administration of the
16 substance on the patient's medication record or otherwise account
17 for 50 mg. of Demerol.

18 f. On June 10, 1990, at 12:45 p.m., respondent signed
19 for 50 mg. of Meperidine on the hospital controlled drug record
20 for patient Rudy T., and failed to chart administration of the
21 substance on the patient's medication record or otherwise account
22 for 50 mg. of Demerol.

23 4. While on duty at Saint Francis Memorial Hospital, San
24 Francisco, California, respondent falsified, made grossly
25 incorrect, grossly inconsistent, or unintelligible entries in
26 hospital and patient records pertaining to controlled substances
27 in the following respects:

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1 a. On July 31, 1990, at 7:30 a.m., respondent signed
2 for 75 mg. of Demerol on the hospital controlled drug record for
3 patient Dolores D., and failed to chart administration of the
4 substance on the patient's medication record or otherwise account
5 for 75 mg. of Demerol.

6 b. On July 31, 1990, at 10:00 a.m., respondent signed
7 for 75 mg. of Demerol on the hospital controlled drug record for
8 patient Dolores D., and failed to chart administration of the
9 substance on the patient's medication record or otherwise account
10 for 75 mg. of Demerol.

11 c. On July 31, 1990, at 12:30 p.m., respondent signed
12 for 75 mg. of Demerol on the hospital controlled drug record for
13 patient Dolores D., and failed to chart administration of the
14 substance on the patient's medication record or otherwise account
15 for 75 mg. of Demerol.

16 d. On July 31, 1990, at 1:00 p.m., respondent signed
17 for 75 mg. of Demerol on the hospital controlled drug record for
18 patient Dolores D., and failed to chart administration of the
19 substance on the patient's medication record or otherwise account
20 for 75 mg. of Demerol.

21 e. On August 1, 1990, respondent signed for 50 mg. of
22 Demerol on line 5 of the hospital controlled drug record for
23 patient Ruth D., recorded wastage of 15 mg., failed to record the
24 time that she had obtained the substance from the hospital
25 narcotic supply cart, and failed to chart administration of the
26 substance on the patient's medication record or otherwise account
27 for 35 mg. of Demerol.

1 f. On August 1, 1990, at 2:30 p.m., respondent signed
2 for 75 mg. of Demerol on the hospital controlled drug record for
3 patient Ruth D., recorded wastage of 15 mg., failed to record the
4 time that she had obtained the substance from the hospital
5 narcotic supply cart, and failed to chart administration of the
6 substance on the patient's medication record or otherwise account
7 for 60 mg. of Demerol.

8 g. On August 2, 1990, at 11:00 a.m., respondent signed
9 for 75 mg. of Demerol on the hospital controlled drug record for
10 patient Gloria F., but charted administration of 50-75 mg. of
11 Demerol on the patient's medication record at 9:30 a.m. and 50-
12 75 mg. of Demerol on the patient's medication records at 11:30
13 a.m., thereby exceeding the physician's order for administration
14 of 50-75 mg. of Demerol every 4 hours, as needed, for pain.

15 h. On August 2, 1990, at 2:30 p.m., respondent signed
16 for 75 mg. of Demerol on the hospital controlled drug record for
17 patient Gloria F., and failed to chart administration of the
18 substance on the patient's medication record or otherwise account
19 for 75 mg. Demerol.

20 5. On May 13, 1985 respondent was convicted by the Court on
21 a plea of nolo contendere of violating Vehicle Code section 23103
22 (reckless driving) in the Walnut Creek-Danville Judicial District
23 Court, case number 51518-9, entitled People v. Mollie J.
24 Mainhardt. The circumstances surrounding the conviction are
25 substantially related to the qualifications, functions or duties
26 of a registered nurse in that on or about December 12, 1984, in
27 Danville, California, respondent was driving a vehicle on a

1 public highway while under the influence of alcohol or drugs.

2 5. On April 3, 1985, respondent was convicted by the Court
3 on a plea of nolo contendere of violating Vehicle Code section
4 23103 (reckless driving) in Livermore-Pleasanton judicial
5 District Court case number 36187, entitled People v. Mollie J.
6 Mainhardt. The circumstances surrounding the conviction are
7 substantially related to the qualifications, functions or duties
8 of a registered nurse in that on or about January 25, 1985 in
9 Danville, California respondent was driving a vehicle on a public
10 highway while under the influence of alcohol or drugs.

11 7. On August 17, 1988, respondent was convicted by the
12 Court on a plea of guilty of violating Vehicle Code section 23152
13 (driving while under the influence of alcohol or drugs) and
14 section 14601.1 (driving without a license) in Santa Clara
15 Municipal Court case number B8871401, entitled People v. Mollie
16 J. Mainhardt. The circumstances surrounding the conviction are
17 substantially related to the qualifications, functions or duties
18 of a registered nurse in that on or about October 23, 1988 in
19 Santa Clara, California, respondent was driving a vehicle on a
20 public highway while under the influence of alcohol or drugs.

21 DETERMINATION OF ISSUES

22 Pursuant to the foregoing findings of fact, the Board of
23 Registered Nursing makes the following determination of the
24 issues presented:

25 5. Respondent's conduct, as set forth in Findings 3 and 4,
26 constitutes cause for disciplinary action pursuant to Business
27 and Professions Code sections 2761(a) and 2762(e) (unprofessional

1 conduct). Respondent's conduct, as set forth in Findings 5, 6
2 and 7, constitutes cause for disciplinary action pursuant to
3 Business and Professions Code sections 2761(f) and 490
4 (conviction of a crime substantially related to the
5 qualifications, functions or duties of a registered nurse) and
6 Business and Professions Code sections 2761(a) and section
7 2762(c) (unprofessional conduct).

8 ORDER

9 WHEREFORE, the Board of Registered Nursing makes the
10 following Order:

11 License No. 302551 issued to respondent and authorizing
12 respondent to act as a licensed nurse is hereby revoked.

13 Respondent shall have the right to petition for
14 reinstatement of the aforesaid license pursuant to the provisions
15 of Section 11522 of the Government Code.

16 Respondent shall not be deprived of making any further
17 showing by way of mitigation; however, such showing must be made
18 directly to the Board of Registered Nursing Sacramento,
19 California, prior to the effective date of this Decision.

20 This Decision shall become effective on the 28th day of Novem-
21 ber, 1993.

22 Dated: October 28, 1993.

23 /s/ Harriett W. Clark, Esq.
24 President
25 Board of Registered Nursing
26
27

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1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 CHRISTIANA TIEDEMANN
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6200
San Francisco, California 94102-3658
4 Telephone: (415) 703-2734

5 Attorneys for Complainant

6
7 BEFORE THE
BOARD OF REGISTERED NURSING
8 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
9

10 In the Matter of the Accusation
Against:

NO. 93-231

11 MOLLIE JANICE MAINHARDT
12 25030 Loma Prieta Avenue
Los Gatos, CA 95030-9701
13 License No. 302551,

ACCUSATION

14 Respondent.

15
16 Catherine M. Puri, R.N., Ph.D., for causes for
17 discipline, alleges:

18
19 1. Complainant Catherine M. Puri, R.N., Ph.D.,
20 makes and files this accusation in her official capacity as
21 Executive Officer, Board of Registered Nursing, Department of
22 Consumer Affairs.

23
24 2. On March 31, 1979, the Board of Registered
25 Nursing issued Registered Nurse License Number 302551 to
26 Mollie Janice Mainhardt. On November 30, 1990, the license
27 expired and has not been renewed.

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EXHIBIT A

6 Under Business and Professions Code section 2764,
7 the expiration of a license shall not deprive the Board of
8 Registered Nursing of jurisdiction to proceed with a
9 disciplinary proceeding against the licensee or to render a
0 decision imposing discipline on the license.

16.

18 "Demerol", a brand of Meperidine (a derivative of
19 pethidine) is a Schedule II controlled substance as
20 designated by Health and Safety Code section 11055(c)(16).

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1 grossly inconsistent, or unintelligible entries in hospital
2 and patient records pertaining to controlled substances in
3 the following respects:

4 a. On June 15, 1990, at 8:30 a.m., respondent
5 signed for 100 mg. of Meperidine on the hospital controlled
6 drug record for patient Jean E. without a physician's order
7 for the medication, and failed to chart administration of the
8 substance on the patient's medication record or otherwise
9 account for 100 mg. of Demerol.

10 b. On June 15, 1990, respondent signed for 100 mg.
11 of Meperidine on the hospital controlled drug record for
12 patient Jean E. without a physician's order for the
13 medication and recorded the time as "late entry", and failed
14 to chart administration of the substance on the patient's
15 medication record or otherwise account for 100 mg. of
16 Demerol.

17 c. On June 29, 1990, at 10:00 a.m., respondent
18 signed for 75 mg. of Meperidine on the hospital controlled
19 drug record for patient Margaret H. without a physician's
20 order for the medication, and failed to chart administration
21 of the substance on the patient's medication record or
22 otherwise account for 75 mg. of Demerol.

23 d. On June 10, 1990, at 7:00 a.m., respondent
24 signed for 50 mg. of Meperidine on the hospital controlled
25 drug record for patient Rudy T., and failed to chart
26 administration of the substance on the patient's medication
27 record or otherwise account for 50 mg. of Demerol.

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1 e. On June 10, 1990, at 1:00 p.m., respondent
2 signed for 50 mg. of Meperidine on the hospital controlled
3 drug record for patient Rudy T., and failed to chart
4 administration of the substance on the patient's medication
5 record or otherwise account for 50 mg. of Demerol.

6 f. On June 10, 1990, at 12:45 p.m., respondent
7 signed for 50 mg. of Meperidine on the hospital controlled
8 drug record for patient Rudy T., and failed to chart
9 administration of the substance on the patient's medication
10 record or otherwise account for 50 mg. of Demerol.

11
12 6. Respondent has subjected her license to
13 discipline under Business and Professions Code section
14 2761(a) on the grounds of unprofessional conduct as defined
15 in section 2762(e) of that code in that while on duty at
16 Saint Francis Memorial Hospital, San Francisco, California,
17 respondent falsified, made grossly incorrect, grossly
18 inconsistent, or unintelligible entries in hospital and
19 patient records pertaining to controlled substances in the
20 following respects:

21 a. On July 31, 1990, at 7:30 a.m., respondent
22 signed for 75 mg. of Demerol on the hospital controlled drug
23 record for patient Dolores D., and failed to chart
24 administration of the substance on the patient's medication
25 record or otherwise account for 75 mg. of Demerol.

26 b. On July 31, 1990, at 10:00 a.m., respondent
27 signed for 75 mg. of Demerol on the hospital controlled drug

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1 record for patient Dolores D., and failed to chart
2 administration of the substance on the patient's medication
3 record or otherwise account for 75 mg. of Demerol.

4 c. On July 31, 1990, at 12:30 p.m., respondent
5 signed for 75 mg. of Demerol on the hospital controlled drug
6 record for patient Dolores D., and failed to chart
7 administration of the substance on the patient's medication
8 record or otherwise account for 75 mg. of Demerol.

9 d. On July 31, 1990, at 1:00 p.m., respondent
10 signed for 75 mg. of Demerol on the hospital controlled drug
11 record for patient Dolores D., and failed to chart
12 administration of the substance on the patient's medication
13 record or otherwise account for 75 mg. of Demerol.

14 e. On August 1, 1990, respondent signed for 50 mg.
15 of Demerol on line 5 of the hospital controlled drug record
16 for patient Ruth D., recorded wastage of 15 mg., failed to
17 record the time that she had obtained the substance from the
18 hospital narcotic supply cart, and failed to chart
19 administration of the substance on the patient's medication
20 record or otherwise account for 35 mg. of Demerol.

21 f. On August 1, 1990, at 2:30 p.m., respondent
22 signed for 75 mg. of Demerol on the hospital controlled drug
23 record for patient Ruth D., recorded wastage of 15 mg.,
24 failed to record the time that she had obtained the substance
25 from the hospital narcotic supply cart, and failed to chart
26 administration of the substance on the patient's medication
27 record or otherwise account for 60 mg. of Demerol.

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1 e. On August 1, 1990, respondent signed for 75 mg.
2 of Demerol on line 3 of the hospital controlled drug record
3 for patient Olive P., failed to record the time that she had
4 obtained the substance from the hospital narcotic supply
5 cart, and failed to chart administration of the substance on
6 the patient's medication record or otherwise account for 75
7 mg. of Demerol.

8 f. On August 1, 1990, respondent signed for 75 mg.
9 of Demerol on line 4 of the hospital controlled drug record
10 for patient Olive P. recorded wastage of 15 mg., failed to
11 record the time that she had obtained the substance from the
12 hospital narcotic supply cart, and failed to chart
13 administration of the substance on the patient's medication
14 record or otherwise account for 60 mg. of Demerol.

15 g. On August 2, 1990, at 11:00 a.m., respondent
16 signed for 75 mg. of Demerol on the hospital controlled drug
17 record for patient Gloria F., but charted administration of
18 50-75 mg. of Demerol on the patient's medication record at
19 9:30 a.m. and 50-75 mg. of Demerol on the patient's
20 medication record at 11:30 a.m. (This would exceed the
21 physician's order for administration of 50-75 mg. of Demerol
22 every 4 hours, as needed, for pain.)

23 h. On August 2, 1990, at 2:30 p.m., respondent
24 signed for 75 mg. of Demerol on the hospital controlled drug
25 record for patient Gloria F., and failed to chart
26 administration of the substance on the patient's medication
27 record or otherwise account for 75 mg. of Demerol.

1 7. Respondent has subjected her license to
2 discipline under Business and Professions Code section
3 2761(f) in that respondent has been convicted of crimes
4 substantially related to the qualifications, functions or
5 duties of a registered nurse, as defined in Title 16,
6 California Code of Regulations, section 1444, in the
7 following respects:

8 a. On May 13, 1985, respondent was convicted by
9 the Court on a plea of nolo contendere of violating Vehicle
10 Code section 23103 (reckless driving) in the Walnut Creek-
11 Danville Judicial District Court, case number 51518-9,
12 entitled People v. Mollie J. Mainhardt.

13 The circumstance surrounding the conviction are
14 substantially related to the qualifications, functions or
15 duties of a registered nurse in that on or about December 12,
16 1984, in Danville, California, respondent was driving a
17 vehicle on a public highway while under the influence of
18 alcohol or drugs.

19 b. On April 3, 1985, respondent was convicted by
20 the Court on a plea of nolo contendere of violating Vehicle
21 Code section 23103 (reckless driving) in Livermore-
22 Pleasanton Judicial District Court, case number 36187,
23 entitled People v. Mollie J. Mainhardt.

24 The circumstance surrounding the conviction are
25 substantially related to the qualifications, functions or
26 duties of a registered nurse in that on or about January 25,
27 1985, in Danville, California, respondent was driving a

1 vehicle on a public highway while under the influence of
2 alcohol or drugs.

3 c. On August 17, 1988, respondent was convicted by
4 the Court on a plea of guilty of violating Vehicle Code
5 section 23152 (driving while under the influence of alcohol
6 or drugs) and section 14601.1 (driving without a license) in
7 the Santa Clara Municipal Court, case number B8871401,
8 entitled People v. Mollie J. Mainhardt.

9 The circumstance surrounding the conviction are
10 substantially related to the qualifications, functions or
11 duties of a registered nurse in that on or about October 23,
12 1988, in Santa Clara, California, respondent was driving a
13 vehicle on a public highway while under the influence of
14 alcohol or drugs.

15
16 8. Respondent has subjected her license to
17 discipline under Business and Professions Code section 490
18 in that respondent has been convicted of crimes substantially
19 related to the qualifications, functions or duties of a
20 registered nurse, as alleged in paragraph 7.

21
22 9. Respondent has subjected her license to
23 discipline under Business and Professions Code section
24 2761(a) on the grounds of unprofessional conduct as defined
25 in section 2762(c) in that respondent was convicted of
26 crimes, as alleged in paragraph 7, involving the consumption
27 of alcoholic beverages or drugs.

